

MEETING SUMMARY

WATER QUALITY ADVISORY GROUP

April 9, 2001

Members Attending

William Anderson, agricultural community (4-4)
Vince Berg, business community (4-4)
John Buric, agricultural community (4-4)
Robert Johnson, scientific/academic community (2-3)
Hend Galal-Gorchev, scientific/academic community (4-4)
Doug Holy, environmental community (4-4)
Jeff Longworth, public-at-large (3-4)
Lynn Mayo, scientific/academic community (2-3)
Carter McCamy, business community, Chair (3-4)
Chris Namovicz, public-at-large (4-4)
Marshall Rea, agricultural community (3-4)
Shobhana Sharma, business community, Vice-chair (4-4)
Diane S. Shea, public-at-large (3-4)
Kraig Walslaben, environmental community (2-4)

Public Agency Reps

Dr. Mohammad Habibian, public agency, WSSC (4-4)
Cameron Wiegand, public agency, DEP (4-4)
Jeff Zyontz, public agency, M-NCPPC (3-4)

Others Attending

Chris Choppin, EQR, applicant
Diane M. Davis, DEP
Todd Greenfield, WQAG applicant, and farmer
Bruce Payne, DPS
Doug Redmond, M-NCPPC

Welcome & Discussion/Approval of Agenda & Previous Month's Summary

The Chair opened the meeting by asking for changes to either previous summary or current agenda. The agenda was unchanged by members, but Dr. Habibian offered to provide some wording changes to last month's summary. After noting the corrections, Mr. Anderson moved to approve both items, with Mr. Rea offering a second to make it official.

Guidance to Reduce Agricultural Pollution

Mr. Billy Anderson, Ag Representative, said that he was not familiar with the topic and referred to Mr. Rea for additional details. Ms. Davis had obtained copies of an EPA document entitled "National Management Measures to Control Nonpoint Source Pollution from Agriculture" (*refer to handout summary for greater detail*). Mr. Rea spoke about education programs to educate farmers regarding pesticide and fertilizer (especially commercial) application. This applied to large lot estates, public estates greater than 10 acres and will be regulated by this law. He characterized it as a complicated regulation due out in 2003, requiring record keeping for 3 years, with major enforcement challenges surrounding it.

Other points of discussion included the following:

- pfisteria has brought phosphorous back into the public's attention, with discussion of chicken farmers taking blame for such aspects including handling, disposal, land application of poultry manure – leading towards discharge into waterways;
- Plans for phosphorous regulations by 2003 and implementation by 2004 (thought Mr. Rea);
- Montgomery County, in general, is not a big offender of ag pollution when compared with other parts of the State;

The Group came to no position on the issue of agricultural nonpoint source pollution and management programs in Montgomery County, and agreed wait and learn more in November, when Agriculture is one of the key topics. Mr. Rea offered to return to present at that time, as a guest.

Operating Budgets For Water Programs

A) Department of Environmental Protection (DEP)

Mr. Wiegand, DEP, described his handouts. As the handout contains all details discussed, please refer to them for additional details. Summary highlights are listed below:

- Executive's recommended funding level represents a decrease from FY01;
- Mr. Wiegand summarized budget items pertaining to DEP's divisions and Director's Office:
 - 1) Watershed Management Division: NPDES reporting activities and baseline monitoring to name just a few;
 - 2) Division of Environmental Policy & Compliance activities and programs, including: stormwater facilities maintenance inspection & enforcement, Groundwater protection strategy development and monitoring, pollution prevention (among the longer list);
 - 3) DEP's Director's Office retains overall leadership, outreach, regional water supply and wastewater issues (WSSC, WASA).

Additional budget changes include (a) Stormwater management and maintenance; (b) Assistance needed to implement recommendations of Forest Preservation Task Force; and (c) Increased public education funds, a position change or re-focus and one new addition.

B) Department of Permitting Services, Sediment Control & Stormwater Management Program (DPS)

Bruce Payne, DPS, discussed his handout with the following highlights:

- DPS had requested 2 new inspector positions and added two others by converting/shifting 2 supervisory positions, or essentially re-arranging positions to better accommodate their needs surrounding plan review and inspections;
- Would go from 14 to 16 Inspector positions in FY02, and Plan Reviewers would remain the same (but with increased training opportunities to account for extra funds);
- He summarized by emphasizing that this shift in staff would better allow the 2 week sediment control inspection frequency sought by the state.

C) Maryland National Capital Park and Planning Commission (M-NCPPC)

Jeff Zyontz, M-NCPPC, discussed his handout "Water Quality and Associated Environmental Efforts in the FY02 Budget" with following highlights:

- His handout presented a workyear summary, with the only dollar increase requested (over last year) for stormwater management maintenance to cover 16 additional facilities located on park land;
- Stream quality monitoring & coordination in support of the master planning needs and the Countywide Stream Protection Strategy; park reforestation; NPDES permit compliance and maintenance; volunteer coordination; park planning; regulatory review; and environmental inventories/policy;
- He gave very brief updates on "other aspects" including capital vs. operating portions of the budget, the great number of stream valleys and surrounding buffers in their jurisdiction, growing their own trees, where possible, using contractors where possible.

New or Continued Business

- Miscellaneous
 1. Mr. Wiegand, DEP, handed out a short article and recommended that the group note the article's main point: that some studies are finding that *small streams* are vital in removing nutrient pollution. Biological processes in these streams perform important nutrient uptake functions just as shellfish help filter and remove nutrients to protect the Bay.
 2. He also handed out a letter from Jim Caldwell, Director of DEP, asking for the WQAG's input and involvement on current efforts to develop a groundwater protection strategy. The chair asked Shobhana Sharma, Vice chair to represent the WQAG at the April 30, 2001 kick-off groundwater meeting. She agreed.
 3. Mr. McCamy asked to be notified about the April 23, 2001 T&E Committee meeting of the County Council to hear about DEP's budget and the Forest Preservation Task Force. He would represent WQAG.

- WQAG on the Web – Ms. Davis went over her handouts in place of a presentation as the web system had experienced a failure. She showed the placement of WQAG on the DEP site: www.askdep.com, and it will be placed under Public Involvement. It will list simple mission statement, minutes, agendas, any special topics or workgroups which form, and membership information – which the Group determines as appropriate. Ms. Davis fielded questions from members and encouraged them to visit the site any day as it would be up and running.
- Staff Resolution – Carter McCamy told the group that the resolution expressing gratitude to Ms. Davis for outstanding staff support had gone forward, and he distributed a copy of the resolution.
- Membership – Ms. Davis announced that Paula Wang had left the group, which opened a vacancy in the environmental category. Fortunately, the new applicant pool would provide applicants from which to select. If none of the current applicants were found appropriate, then this category would be re-announced. The interview committee would report at the next meeting.
- NPDES Permit Renewal – Vince Berg brought up questions the NPDES permit renewal process. He expressed concerns that DEP and the County were entering into an agreement which is less than favorable, even burdensome, for the County. He also suggested that certain requirements which MDE was imposing exceeded that state's legal authority. Wiegand responded that a hearing had been held by MDE the afternoon of the March 2001 WQAG meeting, to make it convenient for WQAG members to attend/comment on the permit; that the proposed new permit was quite similar to the previous one; and, that DEP is confident that new requirements in the permit to control runoff from 10% of uncontrolled impervious and to monitor effectiveness of BMPs built under new design manual requirements can be met without additional resources. DEP's existing monitoring staff and stormwater capital improvements program is sufficiently resourced to address these commitments. After lengthy discussion, the group asked DEP to request that the County attorney review it before going final. Mr. Wiegand agreed and said he would report back in May.
- Dumping Incident – Mr. Anderson introduced details about a farmer who, he reported, had been treated inappropriately by the County regarding a trash or debris situation which had been long standing and not formerly considered problematic. He told members that the farmer was suddenly charged with criminal offenses, and handled in a manner too harsh relative to the level of activity which occurred.
- Meeting Procedure – Ms. Davis reminded all members that if they wish to introduce new topics (called "New Business") they should speak up at the meeting's opening when agenda items are covered. If they have topics of interest, please try to announce this in the beginning so that timing of the meeting can be adjusted accordingly. She observed that the final two items had not been identified anywhere on the agenda topics list and had taken time away from "Next Month's Agenda" discussion – which must occur if the group is to retain its advisory capacity and stick to the selected topics. The Chair deleted "Growth" as a future topic, but asked to carry forward both of the other listed issues.

May 2001 Agenda Topics

- Legislative Wrap up, State Senator Brian Frosh, *invited*
- Chesapeake Bay tributary strategy issues, DEP & M. Rea
- Review of Special Protection Area Annual Report, DEP
- The Potomac Master Plan, M-NCPPC

Continued Topics :

1. DEP's efforts on developing a groundwater strategy – Ms. Sharma
2. NPDES Permit renewal – DEP & Group